THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4860 OF 2006

Dated: 13-03-2006

Between

Scheduled Castes Labour Contract Co-op
Society Limited, No J 1060, Vittal Nagar,
Chirala, rep. by its President, Cherukuri
China Polaiah, Chirala, Prakasam District.

...PETITIONER

AND

State of AP rep. by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner-society seeks a Writ of Mandamus to declare the action of the third respondent in issuing short tender notice dated 01.03.2006 in Roc.No.107/05/F1 as illegal and arbitrary.

Learned counsel for the petitioner-society submits that as per the orders of the Government in G.O.Ms.No.30 Municipal Administration and Urban Development (G2) Department Dated 18.01.2000 the Municipalities and Municipal Corporations are directed to entrust a portion of the sanitation work to the societies formed by the Sanitary Workers Union without

participating in the tenders with a view to improve the efficiency in sanitation with the other modalities indicated in its orders in G.O.Ms.No.581 M.A. dated 06.11.1996.

But contrary to the said orders of the Government last year the sanitation works in respect of Chirala Municipality were notified for auction and therefore, the petitioner-society had to participate in the auction and became the highest bidder in respect of 40 workers to clean certain wards of the Chirala Municipality. This year also without implementing the orders of the Government the third respondent issued short tender notice dated 01.03.2006 in Roc.No.107/05/F1 inviting tenders from eligible registered societies for supply of forty sanitation rickshaw workers to attend sanitation works. However, petitioner made a representation before the respondents 2 and 3 on 25.02.2006 to allot the said works to it without reference to the tenders in accordance with the orders of the Government.

No doubt, the petitioner-society is not entitled to be entrusted the entire sanitation works but as per the orders of the Government only a portion of the sanitation works has to be entrusted to the societies such as the petitioner-society. But the prayer in the writ petition is to declare the short tender notice as illegal, arbitrary and contrary to the orders of the Government in G.O.Ms.No.30 dated 18.01.2000, which cannot be granted in this writ petition unless a declaration is sought for directing the respondents to earmark certain portions of the sanitation works to the petitioner-society as per the orders of the Government.

Having regard to the facts and circumstances of the case and

as the respondents have to earmark certain portion of the sanitation works to the societies, the respondents are directed to consider and dispose the representation of the petitioner-society dated 25.02.2006 in accordance with law and pending disposal of the representation, it is open for the petitioner-society to participate in the tenders.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 13, 2006

Note: Furnish C.C. of the order in two days.

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DSK